Regulation (EU) 2015/939 of the European Parliament and of the Council of 9 June 2015 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part (codification)

REGULATION (EU) 2015/939 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 9 June 2015

on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part

(codification)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure[(1)],

Whereas:

(1) Council Regulation (EC) No 1616/2006[(2)] has been substantially amended[(3)]. In the interests of clarity and rationality, that Regulation should be codified.

(2) A Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part[(4)] ('SAA'), was signed in Luxembourg on 12 June 2006 and entered into force on 1 April 2009.

(3) It is necessary to lay down the procedures for applying certain provisions of the SAA.

(4) The SAA stipulates that fishery products originating in Albania may be imported into the Union at a reduced customs duty, within the limits of tariff quotas. It is therefore necessary to lay down provisions regulating the management of those tariff quotas.

(5) Where trade defence measures become necessary, they should be adopted in accordance with the general provisions laid down in Regulation (EU) 2015/478 of the European Parliament and of the Council[(5)], Regulation (EU) 2015/479 of the European Parliament and of the Council[(6)], Council Regulation (EC) No 1225/2009[(7)] or, as the case may be, Council Regulation (EC) No 597/2009[(8)].

(6) Where a Member State provides information to the Commission on a possible fraud or failure to provide administrative cooperation, the relevant Union legislation shall apply, in particular Council Regulation (EC) No 515/97[(9)].

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2015/939 of the European Parliament and of the Council. (See end of Document for details)*

(7) For the purposes of implementing the relevant provisions of this Regulation the Commission should be assisted by the Customs Code Committee established by Article 285 of Regulation (EU) No 952/2013 of the European Parliament and of the Council[10].

(8) The implementation of the bilateral safeguard clauses of the SAA requires uniform conditions for the adoption of safeguard and other measures. Those measures should be adopted in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[11].

(9) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Article 39(4) of the SAA, imperative grounds of urgency so require,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down certain procedures for the adoption of detailed rules for the implementation of certain provisions of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part ('SAA').

Article 2

Concessions for fish and fishery products

Detailed rules for the implementation of Article 28(1) of the SAA, concerning the tariff quotas for fish and fishery products, shall be adopted by the Commission in accordance with the examination procedure referred to in Article 9(3) of this Regulation.

Article 3

Tariff reductions

1 Subject to paragraph 2, rates of preferential duty shall be rounded down to the first decimal place.

2 Where the result of calculating the rate of preferential duty pursuant to paragraph 1 is one of the following, the preferential rate shall be considered a full exemption:

a 1 % or less in the case of *ad valorem* duties; or

b EUR 1 or less per individual amount in the case of specific duties.

Article 4

Technical adaptations

Amendments and technical adaptations to the provisions adopted pursuant to this Regulation which are necessary following changes to the Combined Nomenclature

codes and to the TARIC subdivisions, or arising from the conclusion of new or modified agreements, protocols, exchanges of letters or other acts between the Union and Albania, shall be adopted in accordance with the examination procedure referred to in Article 9(3).

Article 5

General safeguard clause

Where the Union needs to take a measure as provided for in Article 38 of the SAA, that measure shall be adopted in accordance with the examination procedure referred to in Article 9(3) of this Regulation, unless otherwise specified in Article 38 of the SAA.

Article 6

Shortage clause

Where the Union needs to take a measure as provided for in Article 39 of the SAA, that measure shall be adopted in accordance with the examination procedure referred to in Article 9(3) of this Regulation.

Article 7

Exceptional and critical circumstances

Where exceptional and critical circumstances arise within the meaning of Article 39(4) of the SAA, the Commission may take immediate measures as provided for in Article 39 of the SAA.

If the Commission receives a request from a Member State, it shall take a decision thereon within five working days of receipt of the request.

The Commission shall take the measures referred to in the first paragraph in accordance with the examination procedure referred to in Article 9(3) of this Regulation, or in cases of urgency, in accordance with Article 9(4) of this Regulation.

Article 8

Safeguard clause for agricultural and fisheries products

1 Notwithstanding the procedures referred to in Articles 5 and 6 of this Regulation, where the Union needs to take a safeguard measure as provided for in Article 38 of the SAA concerning agricultural and fisheries products, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures after, where applicable, having had recourse to the referral procedure provided for in Article 38 of the SAA.

If the Commission receives a request from a Member State, it shall take a decision thereon:

a within three working days of the receipt of a request, where the referral procedure provided for in Article 38 of the SAA does not apply; or

b within three days of the end of the 30-day period referred to in point (a) of Article 38(5) of the SAA, where the referral procedure provided for in Article 38 of the SAA applies.

The Commission shall notify Member States of the measures upon which it has decided.

2 The Commission shall take such measures in accordance with the examination procedure referred to in Article 9(3), or in cases of urgency, in accordance with Article 9(4).

Article 9

Committee procedure

1 For the purpose of Articles 2, 4 and 12 of this Regulation, the Commission shall be assisted by the Customs Code Committee established by Article 285 of Regulation (EU) No 952/2013. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 For the purpose of Articles 5 to 8 of this Regulation, the Commission shall be assisted by the Committee on Safeguards established by Article 3(1) of Regulation (EU) 2015/478. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

3 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

4 Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

Article 10

Dumping and subsidy

In the event of a practice which is liable to warrant application by the Union of the measures provided for in Article 37(2) of the SAA, the introduction of anti-dumping and/or countervailing measures shall be decided upon in accordance with the provisions laid down in Regulation (EC) No 1225/2009 and/or Regulation (EC) No 597/2009, respectively.

Article 11

Competition

1 In the event of a practice that may justify application by the Union of the measures provided for in Article 71 of the SAA, the Commission shall, after examining the case, on its own initiative or on the request of a Member State, decide whether such practice is compatible with the SAA.

The measures provided for in Article 71(9) of the SAA shall be adopted, in the cases of aid, in accordance with the procedures laid down in Regulation (EC) No 597/2009 and, in other cases, in accordance with the procedure laid down in Article 207 of the Treaty.

2 In the event of a practice that may cause measures to be applied to the Union by Albania on the basis of Article 71 of the SAA, the Commission shall, after examining the case, decide whether the practice is compatible with the principles set out in the SAA. Where